

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Inez Hunter,

Plaintiff,

v.

ORDER

Civil No. 12-2008 (MJD/AJB)

Jane Anderson et al.,

Defendants.

Plaintiff appearing *pro se*.

This matter is before the Court on Plaintiff's request to file a motion for reconsideration of this Court's Order dated July 31, 2013.

The Local Rules for the District of Minnesota provide that a motion to reconsider can only be filed with the Court's express permission, and then, only "upon a showing of compelling circumstances." L.R. 7.1(j). The district court's decision on a motion for reconsideration rests within its discretion. Hagerman v. Yukon Energy Corp., 839 F.2d 407, 413 (8th Cir. 1988).

Motions for reconsideration serve a limited function: to correct manifest errors of law or fact or to present newly discovered evidence. Such motions cannot in any case be employed as a vehicle to introduce new evidence that could have been adduced during pendency of the summary judgment motion. The nonmovant has an affirmative duty to come forward to meet a properly supported

motion for summary judgment. . . . Nor should a motion for reconsideration serve as the occasion to tender new legal theories for the first time.

Id. at 414 (citation omitted). The Court has reviewed its July 31, 2013 Order and the Plaintiff's submissions and concludes that it contains no manifest errors of law or fact. In addition, the case docket clearly demonstrates that Plaintiff did have the opportunity to file objections to the Report and Recommendation dated June 25, 2013 at docket number 233. The Local Rules for the District of Minnesota do provide parties the opportunity to submit a reply brief.

In addition, Plaintiff has filed a motion to vacate the judgment that was entered on August 1, 2013. In the motion to vacate, Plaintiff has not provided any legal authority or evidentiary basis upon which this Court could grant the requested relief. The motion will be denied.

IT IS HEREBY ORDERED that Plaintiff's request to file a motion for reconsideration [Doc. No. 257] is DENIED; and Plaintiff's Motion to Vacate Judgment [Doc. No. 262] is DENIED.

Date: August 26, 2013

s/ Michael J. Davis
Michael J. Davis
Chief Judge
United States District Court